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PETER A. MOORE, JR., CLERK  
US DISTRICT COURT, EDNC

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF NORTH CAROLINA

Western DIVISION

Eric M. McMillian  
Plaintiff

v.

NO. 5:21-CV-00346-D

COMPLAINT

Off. Burton (RPD) and  
Off. B.A. Merritt (RPD)  
City of Raleigh Police Dept.

Plaintiff resides at:

3220 Buffalo Rd.

Raleigh, NC 27604

Defendant(s)' name(s) and address(es), if known:

B.A. Merritt

601 Hotten Street

Raleigh, NC 27606

Off. Burton

2800 Rock Quarry Rd.

Raleigh, NC 27601

Jurisdiction in this court is based on:

Rule 12 Fed. Civil Rules of  
Procedure

Rule 5 Fed. Rules of Civil Procedure

The acts complained of in this suit concern:

~~ISSUES~~: There has been an ongoing  
"epidemic" with "false arrests" with particularity,  
"men being arrested" for "assault on females"  
by Raleigh Police Dept. which has become a  
threat to the "public at large" in the face of  
lost jobs and wages and court costs as  
the guilty party or parties in these cases  
often do not show for court or were the  
initial instigators of "alleged assaults"  
"against males" but use "bias police protections"  
to "shield themselves" from arrests, even  
when injury is visible on the "body" or  
"person" of male victims.

~~FACTS~~: And on the night of July 9, 2020,  
Plaintiff Eric M. McMillian was pepper sprayed and  
left to walk up a busy thoroughway by a female  
who made a "hasty call" to authorities. When authorities  
arrived, it was visible that Plaintiff was blinded

by the spray as Ofc. Burton, in this complaint, forced McMillian in the video to "sit down" when McMillian told the Ofc. Burton he could not sit due to injury and "prior but permanent" hip injury, of the six officers on the scene who aided Plaintiff onto a "stretcher" after "clearing his face of pepper spray" that "clung to his face and chest hair and skin" Ofc. Burton did show up at Rex Hospital and pursue to arrest ~~after~~ the female who showed "no signs of physical injury" made an angry call. <sup>(If you need more space, or wish to include any further information for consideration, please attach additional sheets.)</sup> I seek the following relief: (see video)

I am suing both parties in this suit "individuals" and "officials" <sup>capacities</sup> and the Raleigh Police Department for a total of \$311,000 in emotional distress damages, bond, time served in jail without "probable cause" and an "induced fear" which has lead to "psychiatric treatment" and when in ~~the~~ <sup>presence of</sup> police and especially women who make "false calls" and law of breaks in Raleigh P.D. pursue bias arrests

8/29/2021

DATE

C. M. McMillian

SIGNATURE OF PLAINTIFF

3220 Buffalo

Rd. Raleigh, NC 27604

919-271-3545

ADDRESS AND PHONE NUMBER OF PLAINTIFF

**THE UNITED STATES DISTRICT COURT OF THE EASTERN DISTRICT OF  
THE WESTERN DIVISION**  
Civil Complaint

**Eric M. McMillian**

Plaintiff

v.

**Ofc. Burton (Raleigh Police Department) and Ofc. B.A. Merritt (Raleigh Police  
Department and City of Raleigh Police Department**

**FACTS**

And on the evening of August 17, 2021, Plaintiff/Victim—for future reference Plaintiff Eric M. McMillian or McMillian—encountered yet another, Ofc. B.A. Merritt of the Raleigh Police Department who “ignored clear injury” on “McMillian’s head” and the “middle right finger” of Plaintiff McMillian’s “right hand” before having to rush him to UNC Rex Hospital where a cortisone shot oxycodone were administered by medical staff for injuries resulting from a fall, a strike on the top center of the head by umbrella and a second attempted strike received by the right hand of Plaintiff when comforting a total female stranger who summoned police for “faulty protections” following assault’ but yet, arrest of the “male victim of assault” by a Raleigh Police Department officer despite ‘clear and present injury’ of the victim. **(Gardner v. Mecklenberg Co. and 4<sup>th</sup> and 14<sup>th</sup> Amendments).**

On the night of August 17/2021, Plaintiff McMillan and girlfriend Jacqueline Bullock were sitting in the Cameron Terrace, Capital Area transit bus depot when approached by a one named “VICKY HARRIS” according to Plaintiff McMillian’s—[WARRANT FOR ARREST]—as Plaintiff was forced to “push the assailant” in “self defense mood” and then, run down a step flight of Cameron Village stairs.

The entire incident, as Plaintiff McMillian explained to Ofc B.A. Merritt stemmed from an “unreported theft” McMillian suffered at the scene of Lenoir Street in Raleigh, NC. When Plaintiff kindly approached the NC State defendant about the miscellaneous



belongings, Harris immediately struck Plaintiff and said “You going to jail.” Familiar with the Raleigh police Department’s “bias and malicious” practice of “hauling men into jail” when women make the call “regardless of the physical circumstantial” evidence present on the “male body” or “property the female may have destroyed” as a method of “relationship revenge”. However, in this case, McMillian had absolutely no ties with Harris, who threw the “initial blow of startled and guilt stricken aggression” as on the night of the initial theft McMillian questioned the “actual assailant” VICKY HARRIS about on the night of 8/17/2021, Harris was the only person “barring motive” towards incident. Still, McMillian was arrested for “1M—ASSAULT ON FEMALE” following the explanation and search and made to remove his shoes, while cuffed, and in the back seat of the of a Raleigh police cruiser by a nonresponsive Ofc B.A Merritt, present according the officer’s video shirt camera, evidence subject to subpoena and proving at least two elements of an “illegal search and seizure” placed McMillian into custody on the nigh in question as Vicky Harris was also taken to the hospital reluctantly after Plaintiff McMillian “demanded immediate medical attention,” despite Ofc. B.A. Merritt’s attempt to “sneak” Plaintiff into the Hammond Road Detention Center for “only nurse’s attention” and out of the way of UNC Rex Hospital staff where Merritt tried to “snatch” the hospital phone from McMillian calling for a medical witness at the hospital, a medical right that cannot be denied to persons, even when in police custody. Still, the defendant attempted to explain away Raleigh Police Department’s consistent practice of arresting men “under false pretense” despite injury only being present on the male Plaintiff, saying “even patience loss hospital phone rights to family an friends when in Raleigh Police custody” **(USC Code 1983 and 1<sup>st</sup> Amendmnt).**

Later, B.A. Merritt would take picture of both the hand and top portion of the head of Plaintiff/Victim McMillian which showed open gash wombs which wear explained at the initial encounter, just to have McMillian locked in jail where a release was issued the following morning by a judge who saw “both” and not “the female only” side of the story when nondomestic and domestic incidents come in to play and are reported to a bias Raleigh Police Department “hell-bent” on serving men for actions of the woman **(14<sup>th</sup> Amendment).**

## ISSUES


IT HAS BECOME CLEAR TO Plaintiff McMillian and Michael Bottomley—later to address issues in this class action complaint—that “gender” and “racial discrimination” come into play the majority of the time where men are lied to and urged to press charges of “male victims” of domestic violence and female assault. Offices such as the ones mentioned in this complaint suffer from an “omnipotent or hero” complex to “rise to the occasion of the damsel in distress” even when she is “vindictively lying on the man” involved and physical evidence show the contrary of her statements as on the cases Ofc Burton and Ofc. B.A. Merritt charged Plaintiff McMillian with on separate but equal occasions showing a consistent pattern of “police misconduct” when applied to “assault on female” cases that are often dismissed for “lack of evidence” caused by omissions” on the night of arrest of men in the city of Raleigh, NC.

## ASKINGS

Therefore, Plaintiff Eric M. McMillian asks for \$1.311million collectively, in their “official” and “individual capacities” of all the defendants as this Raleigh Police practice of arresting “only” in cases of reported female assault has cost him jobs, medical and jail and past prison time that cannot be replaced as well as physical stress from mental turmoil that also has affected Michael Bottomley—present on 8/17/2021 in the Hammond Detention Center, the night Plaintiff McMillian was arrested, both men without true “probable cause” for assault on females never proven by the state of North Carolina.

This an ongoing method used by Raleigh police that poses a “public Threat” to men consistently placed in legal jeopardy” and in “physical harms way” when women call police in disputes involving the opposite sex (USC Code 1983, 4<sup>th</sup> and 14<sup>th</sup>

Amendments.)

  
Eric M. McMillian  
3220 Buffaloe Rd.  
Raleigh, NC 27604  
(919) 271-3545

[ericmcmillian38@gmail.com](mailto:ericmcmillian38@gmail.com)

**CERTIFICATE OF SERVICE**

This is to certify that a copy of Plaintiff's Responses to Defendant's First Set of Interrogatories to Plaintiff was served upon all counsel by mailing such copy in accordance with the provisions of Rule 12 of the Fed.Rules of Civil Procedure.

This the 29<sup>th</sup> day of August, 2021

A handwritten signature in black ink, appearing to read "Eric M. McMillian", followed by a horizontal line.

**Eric M. McMillian**

**3220 Buffaloe Rd.**

**Raleigh, NC 27604**

**(919) 271-3545**

[ericmcmillian38@gmail.com](mailto:ericmcmillian38@gmail.com)